SINGLE BENCH (6) CA-15002

In the Honble High Court of Chhattishgarh at Bilaspur (C.G.)

W.P.(s). No. 813/07 ~~2006~~

Petitioner .....(1) Ram Kumar Sahu Age 47 years
S/o Shri Bisoha Ram Sahu,
Assistant Teacher,
Govt. Primary School,Kaneri
Block Gurur ,Distt. Durg.

(2) Tej Ram Sahu, Aged 47 Years
S/o Anand Ram Sahu
Assistant Teacher,
Govt. Girls Middle School, Sorar
Block Gurur ,Distt. Durg.

(3) Deendayal son of Sarjuram Sahu 47 Yrs.,
Assistant Teacher
Middle School, Basin
Block Gurur, Distt. Durg

(4) Rajendra Kumar Sahu aged 47 years
S/O Baisakhuram Sahu
Assistant Teacher,
Primary School,Basin
Block Gurur, District Durg (C.G.)

(5) Kasiram Sahu S/O Buddhuram Sahu,
Assistant Teacher, Aged 45 Yrs.
Pry. School, Bagtarai
Gurur Block, District Durg (C.G.)

(6) Latelu Ram Sarve S/o Tetakuram Sarve,
Assistant Teacher,Aged 47 Yrs
Primary School Deokot
Gurur Block, District Durg (C.G.)

(7) Ghasiram Sahu S/o Sheo Prasad, Sahu,
Assistant Teacher, Aged 47 Yrs
Primary School, Jewartala
, Gurur Block, District Durg (C.G.)

(8) Ramdayal Sahu son of Premlal Sahu,
Assistant Teacher, Aged 47 Yrs.
Middle School Kuliya
Gurur Block, District Durg (C.G.)

(9) Ved Prakash Verma son of K.S.Verma,
Assistant Teacher,Aged 45 Yrs.
Middle School, Palari,
Gurur Block, District Durg (C.G.)

P.R. No. 974/07 Presented by Shri Ajay Agrawal Advocate dated 23.2.07

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OATH COMMISSIONER

(10) Chamanlal Sahu s/o Ramuram Sahu
Assistant Teacher, Aged 45 Yrs.
Primary School, Narbada
Gurur Block, District Durg (C.G.)

(11) Bhikhariram Kumeti s/o Sheo Prasad
Assistant Teacher,
Aged 47 years, Girls High School, Gurur
Gurur Block, District Durg (C.G.)

(12) Chandan lal Sinha s/o Kunwarlal Sinha,
Assistant Teacher,
Aged 48 yrs,
Middle School Tengna B'Para
Gurur Block, District Durg (C.G.)

(13) Uttam Kumar Patel s/o Bhauram Patel,
Assistant Teacher,
Aged 47 Yrs. Primary School, Dhanora
Gurur Block, District Durg (C.G.)

(14) Gangadhar Sahu s/o Parasu ram Sahu
Assistant Teacher, Aged 46 Yrs.
Primary School, Kaneri
Gurur Block, District Durg (C.G.)

(15) Dayal Ram Gajendra s/o Vikram Gajendra
Assistant Teacher,
Aged 47 Yrs, (at present B.E.O., Balod)
, Gurur Block, District Durg (C.G.)

Versus

Respondent ..... (1) State Govt. of Chhattisgarh
Through:- Secretary,
Tribal Welfare Department & Education
Department, D.K.S. Bhawan, Raipur
(C.G.)

(2) District Education Officer,
Durg. (C.G.)

OATH COMMISSIONER
DURG (M.P.)

Writ petition under articles 226 of the Constitution of India for issuance of writ in the nature of MANDAMUS.

Petitioners most humbly submit as under :-

1. **Particulars of the petitioner**

As Mentioned in cause title.

(46)

HIGH COURT OF CHHATTISGARH AT BILASPUR

W. P.(S) No. 813 of 2007

Petitioners : Ram Kumar Sahu and others

Versus

Respondents : State Govt. of Chhattisgarh and another

SB: Hon'ble Mr. Justice **Satish K. Agnihotri, J**

Present: Mr. Ajay Shrivastava, Advocate for the petitioners.

Ms. Deepali Pandey, Panel Lawyer for State/respondents.

O R D E R

(Passed on this 12th Day of February, 2007)

1. The petitioners were appointed on 01-07-1982 as Assistant Teachers on fixed pay scale of Rs. 150/-. After completion of their probation, they were granted regular pay scale w.e.f. 01-07-1984 respectively.

2. Learned counsel appearing for the petitioners submits that the issue involved in the case is asto whether, the petitioners are entitled to regular pay scale w.e.f. the date of initial appointment or after completion of probation period.

3. The issue involved, herein was considered by the Madhya Pradesh State Administrative Tribunal, Jabalpur in O.A. No. 2745/89 (Madhukant Yadu and 56 others Vs. State of M.P. & others), wherein it was held that the similarly situated teachers are entitled to regular pay scale w.e.f. the date of initial appointment.

(42)

The matter was taken-up to the Hon'ble Supreme Court. The appeal was dismissed by the Hon'ble Supreme Court upholding the decision of the Tribunal to the effect that the Teachers/Assistant Teachers are entitled to regular pay scale from date of initial appointment.

4. Learned counsel appearing for the petitioners further submits that this Court, while considering the same issue in Paras Nath Gupta Vs. State of Chhattisgarh & others (W.P. (S) No. 58 of 2007) by order dated 15-01-2007, has granted regular pay scale w.e.f. the date of initial appointment.

5. Learned counsel appearing for the parties jointly submit that this case is squarely covered by the decision of this Court in the case of Paras Nath Gupta Vs. State of Chhattisgarh & others (Supra).

6. In view of that this petition is allowed in the same terms. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Subhash